

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>GERALD DENITHORNE, JR.</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 15-5220</b>
	:	
<b>JEFFREY INGEMIE, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of February, 2016, upon consideration of Defendant Wigginton's Motion to Dismiss Plaintiff's Complaint (Doc. No. 15) and any response thereto, it is hereby **ORDERED** that:

1. Count II and Count V of the Plaintiff's Complaint against Defendant Wigginton are **DISMISSED with PREJUDICE**;
2. Defendant Wigginton's Motion is **GRANTED without prejudice** with regards to Plaintiff's claim for intentional infliction of emotional distress as contained in Count IV of his Complaint;
3. Defendant Wigginton's Motion is **GRANTED with prejudice** with regards to Plaintiff's claim for defamation as contained in Count IV of his Complaint; and
4. Defendant Wigginton's Motion is **DENIED** with regards to Plaintiff's claims for assault and battery and malicious prosecution as contained in Count IV of his Complaint.

BY THE COURT:

*s/ Lawrence F. Stengel*  
LAWRENCE F. STENGEL, J.